

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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KIM D. MACK, )  
                        )  
PLAINTIFF,         )  
                        )  
v.                     )         No. 05-2864 M1/An  
                        )  
BEHAVIORAL SERVICES OF TENNESSEE, INC., )  
and BEHAVIORAL SERVICES OF TENNESSEE,     )  
                        )  
DEFENDANTS.         )

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DEFENDANT'S MOTION TO LIMIT DAMAGES

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COMES NOW the Defendant, by and through the undersigned counsel, and moves this Court for the entry of an Order limiting any award of compensatory and punitive damages under the Title VII of the Civil Rights Act of 1964 to \$50,000. In support thereof, the Defendant would show this Court the following:

1.       Title VII limits compensatory and punitive damages to \$50,000 for employers with less than 100 employees; and
2.       A Brief in Support of Defendant's Motion to Limit Damages is being filed contemporaneously herewith.

WHEREFORE, PREMISES CONSIDERED, the Defendant prays this Court enter an Order limiting any award of compensatory and punitive damages under Title VII of the Civil Rights Act of 1964 to \$50,000.

Respectfully submitted,

s/W. Kerby Bowling II

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s/Charles W. Cavagnaro, Jr.

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### **CERTIFICATE OF CONSULTATION**

I hereby certify that I have consulted with counsel regarding the issues raised by this Motion and while opposing counsel believes there may be a good faith basis for this Motion, he would like the opportunity to research the issues presented by this Motion and file a response.

s/Charles W. Cavagnaro, Jr.

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was forwarded by electronic means via the Court's electronic filing system, to Plaintiff's counsel, Mitchell G. Tollison.

s/Charles W. Cavagnaro, Jr.